



14280 U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PATENT**

ATTY DOCKET NO.: 9022-43

DATE: February 5, 2004

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR § 1.53(b))**

22141 U.S. PTO  
10/773099



Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR § 1.53(b) is:

- ☒ a patent application  
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: \_\_\_\_\_; filed \_\_\_\_\_, the disclosure of which is incorporated herein by reference in its entirety.  
☒ and claims the benefit of Provisional Application No. 60/445,046 filed February 5, 2003.

Inventor(s) or Application Identifier:

**James L. Lambert**

**Mark S. Borchert**

Entitled: NON-INVASIVE IN VIVO MEASUREMENTS OF MACULAR CAROTENOIDS

Myers Bigel Sibley & Sajovec, P.A.  
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Raleigh, North Carolina 27627  
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Customer No. 20792

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 30 pages of Specification (including 50 claims)
3. ☒ 7 sheets of informal Drawings (35 USC 113)
4. ☐ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below]
  - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated

by reference therein.

7. ☐ Microfiche Computer Program (*Appendix*)  
8. ☐ Assignment papers (*cover sheet(s) and document(s)*)  
9. ☐ Applicant claims small entity status. See 37 CFR § 1.27.  
10. ☐ Information Disclosure Statement, PTO-1449, and \_\_\_\_\_ references cited  
11. ☐ Preliminary Amendment (***Please enter all claim amendments prior to calculating the filing fee.***)  
12. ☐ English Translation Document  
13. ☐ Certified Copy of \_\_\_\_\_ Application No. \_\_\_\_\_ ; Filed  
14. ☐ Sequence Listing/ Sequence Listing Diskette  
    a. ☐ computer readable copy  
    b. ☐ paper copy  
    c. ☐ statement in support  
15. ☐ An Associate Power of Attorney  
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)  
17. ☐ Deletion of Inventor(s) (Signed statement attached deleting inventor(s) name in the prior application. See 37 CFR 1.63(d)(2) and 1.33(b).)  
18. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form.  
19. ☒ Other: Application filed under 37 CFR 1.41(c)

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate      Fee	Large Entity Rate      Fee
BASIC FEE			\$385.00	\$ 770.00
TOTAL CLAIMS	50 - 20 =	30	x 09 = \$	x 18 = \$540.00
INDEP CLAIMS	4 - 3 =	1	x 43 = \$	x 86 = \$86.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 145 = \$	+ 290 = \$
<i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i>			Total \$	Total \$1396.00

- ☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.  
☐ A check in the amount of \$ \_\_\_\_\_ is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).  
☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ \_\_\_\_\_.  
☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:  
    a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.  
    b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted



Laura M. Kelley

Registration No. 48,441

**CERTIFICATE OF EXPRESS MAILING**

Express Mail Label No. EV 381445779 US

Date of Deposit: February 5, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

  
Carey Gregory

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Lambert et al.  
Serial No. To Be Assigned  
Filed: Concurrently Herewith  
For: **NON-INVASIVE IN VIVO MEASUREMENTS OF MACULAR CAROTENOIDS**

February 5, 2004

MAIL STOP PATENT APPLICATION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

APPLICATION FILED UNDER 37 CFR 1.41(c)

Sir:

The above-identified application is being filed on behalf of the inventors, **James L. Lambert**, citizen of the United States of America, residing at 7800 Ellenbogen St., City of Sunland, State of California 91040, and **Mark S. Borchert**, citizen of the United States of America, residing at 4821 Carmel Road, City of La Canada, State of California 91011, under the provisions of 37 CFR 1.41(c). A Declaration and Power of Attorney from the inventors will follow, 37 CFR 1.63.

Respectfully submitted,



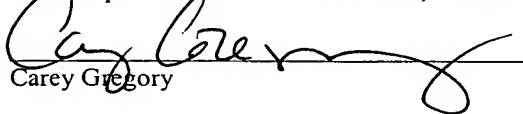
Laura M. Kelley  
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Carey Gregory